



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman, Ken Y Hsu, Charles J. Winslow, John Flynn, Steve Mitchell, Scott Yerby, Jay A. Markwart  
Appln. No.: 10/816,173  
Confirm. No.: 7894  
Filed: 04/01/2004  
Title: CERVICAL INTERSPINOUS PROCESS  
DISTRACTION IMPLANT AND METHOD OF  
IMPLANTATION

PATENT APPLICATION

Art Unit: 3738

Examiner:

Customer No.: 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Art Unit 3738, Alexandria, Virginia 22313-1450, on 9/16/04

Sheldon R. Meyer, Reg. No. 27,660

Signature Date: 9/16/04

(Attorney Signature)

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Art Unit 3738  
Alexandria, VA 22313-1450

Sir:

In the Notice to File Missing Parts, a shortened period for response was set to expire on June 18, 2004.

Pursuant to 37 C.F.R. §1.136(a), Applicant(s) hereby petition(s) the Commissioner for an extension of time for responding to the Notice to File Missing Parts up to and including September 18, 2004.

✓

Applicant(s) hereby claim small entity status under 37 C.F.R. § 1.27.

The amount of the petition fee set by 37 C.F.R. §1.17 is determined as follows:

Fee (Large Entity/Small Entity)	Extended Month
<input checked="" type="checkbox"/> \$ 110.00/\$ 55.00	First
<input type="checkbox"/> \$ 420.00/\$210.00	Second
<input type="checkbox"/> \$ 950.00/\$475.00	Third
<input type="checkbox"/> \$1,480.00/\$740.00	Fourth
<input type="checkbox"/> \$2,010.00/\$1,005.00	Fifth

TOTAL PETITION FEE \$55.00

The TOTAL PETITION FEE is included with the payment of other papers filed together with this petition.

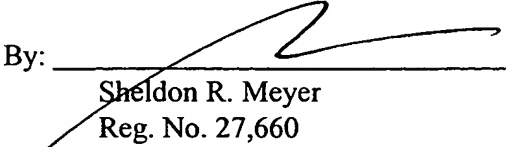
The other papers enclosed or associated with this communication include:

- ☐ A reply to the Office Action was previously filed on \_\_\_\_\_.
- ☐ A reply to the Office Action is filed herewith.
- ☐ A reply will be filed subsequently.
- ☐ A continuation application is filed herewith.
- ☐ A divisional application is filed herewith.
- ☐ A continuation-in-part application is filed herewith.
- ☐ A continued prosecution application is filed herewith.
- ☐ A Request for Continued Examination is filed herewith.
- ☒ "Small Entity" status for this application has previously been established.
- ☒ Other: Response to Notice to File Missing Parts

The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit  
Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 9/16/04

By:   
Sheldon R. Meyer  
Reg. No. 27,660

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800